

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

RECHELLE L. MEIER,	:	
Plaintiff	:	CIVIL ACTION NO. 1:21-1680
v.	:	(JUDGE MANNION)
KILOLO KIJAKAZI, Commissioner of Social Security,	:	
Defendant	:	

O R D E R

Pending before the court is the July 6, 2022 report of Magistrate Judge Carlson, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claims disability insurance benefits and for supplemental security income benefits under Titles II and XVI of the Social Security Act be affirmed, and the plaintiff's appeal be denied. (Doc. 16). To date, neither the plaintiff nor the Commissioner has filed objections to the report, and the time within which to do so has expired. Upon review, the report of Judge Carlson will be adopted in its entirety.

When no objections to a report and recommendation are filed, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In his report, Judge Carlson finds that substantial evidence supports the ALJ's decision that the plaintiff was not disabled since her severe impairments, including her fibromyalgia, did not meet or medically equal a listing. The judge also finds that the ALJ's RFC assessment is supported by substantial evidence since the ALJ considered all of the medical evidence related to plaintiff's fibromyalgia in his RFC assessment which provided both postural and environmental limitations to account for plaintiff's symptoms related to her upper and lower extremities. The court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Carlson's findings with respect to the issues presented. Moreover, the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Carlson as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1)** The report and recommendation of Judge Carlson, (**Doc. 16**), is **ADOPTED IN ITS ENTIRETY**, as the ruling of the court.
- (2)** The plaintiff's appeal, (**Doc. 1**), is **DENIED**.
- (3)** The decision of the Commissioner denying the plaintiff's DIB and SSI applications is **AFFIRMED**.
- (4)** The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: July 27, 2022

21-1680-01